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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,682	09/25/2003	Masami Matsuura	243216US3 DIV	4417

22850 7590 06/23/2006

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EXAMINER	
MAYO, TARA L	

ART UNIT	PAPER NUMBER
3671	

DATE MAILED: 06/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/669,682	MATSUURA ET AL.	
	Examiner	Art Unit	
	Tara L. Mayo	3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 May 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,12-18,21,23 and 26-28* is/are pending in the application.

4a) Of the above claim(s) *13,17,18,21 and 23* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,12,14-16 and 26-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☒ Certified copies of the priority documents have been received in Application No. 09/854,472.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06 May 2006 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 through 4, 12, 14 through 16 and 26 through 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Bernier (U.S. Patent No. 4,004,536).

Bernier '536, as seen in Figures 23 and 24, a motion reduction apparatus for a floating body floating on water, said motion reduction apparatus comprising:

with regard to claim 1,

a plumb plate (355) configured to be provided on at least on a side of a floating main body (359) and configured to be separated from the floating main body by a specific distance (as

seen in Figure 24), and configured to extend in a vertical orientation from a lowermost bottom surface of the floating main body;

with regard to claim 2,

wherein the plumb plate is configured to be supported at a specific location of the floating main body by means of a plurality of stay members (365) configured to be arranged on the floating main body so as to provide flow sections (375) that are surrounded by the floating main body, the plumb plate, and the stay members;

with regard to claim 3,

wherein the floating main body is orthorhombic-shaped (i.e., the body has three-unequal axes positioned at right angles toward one another), and the plumb plate is configured to be provided on at least a wavefront side section along a longitudinal direction of the floating main body;

with regard to claim 4,

wherein the plumb plate is constructed so as to swing (via pivot 361) with respect to the floating main body;

with regard to claim 12,

a plate member (355) configured to be provided on a side of a floating main body (359) disposed in such a way that an edge section of the plate member proximal to the floating main body is separated from the floating main body by a specific distance (as seen in Figure 24), wherein an upper edge (i.e., the top surface) of the plate member is configured to be oriented at substantially a same level as a lowermost bottom surface of the floating main body;

with regard to claim 14,

wherein the plate member is configured to be supported at a specific location of the floating main body by a plurality of stay members (365) arranged in parallel on the floating main body so as to provide flow sections (375) that are surrounded by the floating main body, the plate member, and the stay members;

with regard to claim 15,

wherein the floating main body is orthorhombic-shaped (i.e., the body has three-unequal axes positioned at right angles toward one another), and the plate member is configured to be provided along a longitudinal direction at least on either a left side section or a right side section of the floating main body (as seen in Figure 24);

with regard to claim 16,

wherein the plate member is constructed so as to swing with respect to the floating main body (via springs 369);

with regard to claim 26,

a floating body (359) and a motion reduction apparatus (355) according to claim 1; and

with regard to claims 27 and 28,

wherein said plumb plate has a same longitudinal dimension as that of said floating main body.

Response to Arguments

4. Applicant's arguments filed 26 May 2006 have been fully considered but they are not persuasive.

In response to Applicant's statements that Bernier '536 fails to teach a motion reduction apparatus comprising a plumb plate "configured to extend in a vertical orientation from a lowermost bottom surface of the floating main body" as required by claim 1, the Examiner contends that the plumb plate shown by the prior meets the claimed limitation in that it extends vertically below the floating main body as best seen in Figures 23 and 24. Furthermore, a recitation directed to the manner in which a claimed apparatus is intended to be used does not distinguish the claimed apparatus from the prior art if the prior art has the capability to so perform. See MPEP 2114 and *Ex parte Masham*, 2 USPQ2d 1647 (1987); specifically, "configured to extend" is not a positive recitation and only requires the ability to be so extended.

In response to Applicant's statements that Bernier '536 fails to teach the plate member having an upper edge "configured to be oriented at substantially a same level as a lowermost bottom surface of the floating main body" as required by claim 12, the Examiner contends that the upper surface of the plate member (355) is positioned at substantially the same level as the bottom of the floating body as best seen in Figures 23 and 24. Furthermore, a recitation directed to the manner in which a claimed apparatus is intended to be used does not distinguish the claimed apparatus from the prior art if the prior art has the capability to so perform. See MPEP 2114 and *Ex parte Masham*, 2 USPQ2d 1647 (1987); specifically, "configured to be oriented" is not a positive recitation and only requires the ability to be so oriented.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tara L. Mayo whose telephone number is 571-272-6992. The examiner can normally be reached on Monday through Friday 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

tlm
20 June 2006

TARA L MAYO
PATENT EXAMINER